IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 29826 of 2007(A)

PETITIONER:

K.A.JOSE, ADVOCATE, THODUPUZHA,
RESIDING AT KANDAVANATHIL HOUSE,
ELAMDESAM P.O., THODUPUZHA.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.SAJI SANKARAN NAIR

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SPECIAL SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DISTRICT COLLECTOR, IDUKKI.**

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 29826 OF 2007

Dated this the 12th day of November, 2007

J U D G M E N T

Ext.P1 is the Government Order dated 12.4.1999 appointing the petitioner as Special Public Prosecutor before the Special Court for trial of cases arising under Narcotic Drugs and Psychotropic Substance Act at Thodupuzha for a period of one year. It is stated that on the basis of Ext.P1, petitioner discharged the duties of Special Public Prosecutor for the period from 5.5.1999 to 24.10.2000.

2. Though he was appointed as per Ext.P1, the said order did not contain any provision regarding the conditions on which he was to discharge the duties. Now the petitioner submits that for the work he had done for the whole period he has not been paid any amount towards fee or expenses. In view of this, petitioner has made Ext.P5 representation to the 2nd respondent, which has not been answered till date. Petitioner also makes reference to Exts.P3 and P4. According to him, that involves appointees similarly situated as that of the petitioner. Particular reference is made to Ext.P4 where the monthly remuneration has been fixed for similar appointees. Petitioner submits that in view of long lapse of time he will be satisfied if his case is considered for extending benefits similar to those granted in Ext.P4.

3. As I have already noticed Ext.P1 did not contain the terms and conditions subject to which the petitioner was appointed as Special Public Prosecutor. Therefore, the respondents are required to first fix the terms that are applicable to the petitioner. Only thereafter any type of settlement can be given to the claim of the petitioner.

Therefore, I dispose of this writ petition directing that the 2nd respondent shall take up Ext.P5 and consider the claim of the petitioner for remuneration for the work he had already done as Special Public Prosecutor. He shall also take into account Ext.P4 and consider whether the terms which are similar to those fixed therein can be fixed in the case of the petitioner also especially in view of the long lapse of time and the difficulty in collecting the details at this distance of time. The 2nd respondent shall make his recommendations to the 1st respondent on the basis of which the claims of the petitioner will be considered, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE

vps